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03500.017574

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	:	Examiner: Robert B. Beatty
Shoichi KOYAMA, et al.	)	
	:	Group Art Unit: 2852
Appln. No.: 10/664,888	)	
	:	Confirmation No.: 4258
Filed: September 22, 2003	)	
	:	
For: IMAGE FORMING APPARATUS,	)	July 7, 2005
CONTROL METHOD FOR IMAGE	:	
FORMING APPARATUS,	)	
DEVELOPING APPARATUS, AND	:	
MEMORY MEDIUM	)	

Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is responsive to an Official Action dated June 15, 2005, in the above-identified application.

In the Official Action, the Examiner has set forth a two-way restriction requirement, as follows:

Group I, consisting of Claims 1 through 11, is directed to an image forming apparatus and control method for the image forming apparatus wherein the image forming apparatus has a first detector for detecting amount of developer in the developing apparatus and a second detector for detecting utilized amount of developer based on image formation

and a processor/judgement device for determining utilized amount of developer based on the first and second detector, classified in class 399, subclass 62; and

Group II, consisting of Claims 12 through 17, is directed to a developing apparatus having a memory for storing information regarding amount of utilized developer, classified in class 399, subclass 27.

The Examiner contends that the inventions of Groups I and II are patentably distinct for the reasons set forth in the Official Action.

In order to comply with the requirements of 37 CFR 1.143, Applicants provisionally elect, with traverse for the reasons set forth below, to prosecute the invention of Group I, namely Claims 1 through 11.

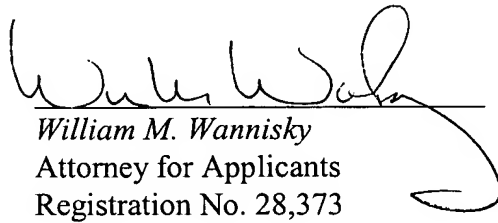
Applicants submit that any nominal burden placed upon the Examiner to search an additional classes(es) and/or subclass(es), necessary to determine the art relevant to Applicants' overall invention is significantly outweighed by the public interest in not having to obtain and study several patents in order to have available all of the patent claims covering Applicants' invention. The alternative is to proceed with the filing of multiple applications, each consisting of generally the same disclosure, and each being subjected to essentially the same search, perhaps by different Examiners on different occasions. This places an unnecessary burden on both the Patent and Trademark Office (the "PTO") and on Applicants.

In the interest of economy for the PTO, for the public-at-large, and for Applicants, reconsideration and withdrawal of the restriction requirement and examination of all pending claims are respectfully requested.

Favorable consideration hereof and an early passage to issue of the application are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to the New York address listed below.

Respectfully submitted,

  
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